

DEC 21 2004

PATENT CASE: AL0425KQ10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sequelra, et al

Examiner: Clardy

Serial No.: 10/763,295

Group Art Unit: 1616

Filed: 1/22/04

For: USE OF MOMETASONE
FUROATE FOR TREATING AIRWAY
PASSAGE AND LUNG DISEASESCommissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321 AND FEE UNDER 37
C.F.R. 1.20 (d)**

Sir:

Petitioner, Schering Corporation, is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 36 U.S.C. sections 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly-owned U.S. Patent Numbers 6,723,713, 6,677,323, 6,677,322, 6,365,581, 6,057,307, 5,889,015, 5, 837,699, and co-pending Patent Application Serial No. 10/763,143. Petitioner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and any of the aforesaid patent application are commonly-owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. sections 154 to 156 and 173 of the aforesaid patent application, as presently shortened by any terminal disclaimer, in the event that either one or both later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims terminated prior to a reexamination certificate, is reissued, or is in any manner terminated prior to

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the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Petitioner is the owner of 100% interest in the instant application by virtue of an assignment to Schering Corporation from all the inventors.

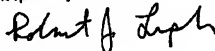
The undersigned states that he is empowered to act on behalf of the petitioner under 37 § C.F.R. 1.34.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant or aforesaid applications or any patents issued thereon.

The USPTO is hereby authorized to charge the \$130 fee under 37 C.F.R. §1.20 (d) for the present Terminal Disclaimer to charge account 19-0365. A duplicate of this document is enclosed for your records.

December 21 2004
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Respectfully submitted,



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